

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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In the Matter of )  
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The Use of N11 Codes and Other )  
Abbreviated Dialing Arrangements )

CC Docket No. 92-105

JUL 13 1992

Federal Communications Commission  
Office of the Secretary

REPLY COMMENTS OF  
THE AMERITECH OPERATING COMPANIES

I. INTRODUCTION

In light of the strong, widespread opposition to the NPRM, the Ameritech Operating Companies<sup>1</sup> urge the Commission to reject the proposal for the assignment of N11 codes. N11 codes are too scarce, and their potential public interest uses are too valuable, to permit them to be assigned to individual providers.

Instead, the Commission should encourage local exchange carriers (LECs) to actively investigate alternative abbreviated dialing arrangements. The Ameritech Operating Companies are already investigating possible alternatives, and believe that one such alternative -- the "NXX#" dialing format -- is promising. It would create about 790 codes within a dialing area and could be implemented locally within the near term.

If the Commission insists on ordering the assignment of N11 codes, then it must develop detailed procedures for the allocation, use and recall of those codes. The commenters have taken fundamentally inconsistent views on the proper methods for allocation, use and recall of codes, and many of

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<sup>1</sup>The Ameritech Operating Companies are: Illinois Bell Telephone Company, Indiana Bell Telephone Company, Incorporated, Michigan Bell Telephone Company, The Ohio Bell Telephone Company and Wisconsin Bell, Inc. These entities are occasionally referred to as "the Companies" in these reply comments.

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them will clearly contest whatever procedures LECs develop. Since the Commission will inevitably be called upon to resolve these questions -- via the complaint process or litigation -- it should proactively manage the process by specifying procedures up front.

**II. THE COMMENTS UNEQUIVOCALLY SHOW THAT  
MANDATORY ASSIGNMENT OF N11 CODES IS  
NOT IN THE PUBLIC INTEREST**

The very industry segments which purportedly would benefit from the N11 proposal -- information providers (IPs) and end users -- oppose the proposal because it is unfair and impractical. For example, The Information Technology Association of America (ITAA), The Information Industry Association (IIA), The Ad Hoc Telecommunications Users Committee (Ad Hoc) and BT North America, Inc. (BTNA) all stress that there are not enough N11 codes to go around.<sup>2</sup> They also explain that the proposal would deprive the North American Numbering Plan (NANP) of vital numbering resources;<sup>3</sup> would cause customer confusion, including the risk of incurring unintended charges;<sup>4</sup> would lead to serious disputes about the assignment and recall of N11 codes;<sup>5</sup> and, in any event, would be only a "short term" fix which would lead to marketplace disruptions once N11 codes were recalled.<sup>6</sup>

Another serious drawback of the proposal is that it would foreclose the use of N11 codes for valuable public interest services, such as a separate N11

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<sup>2</sup>ITAA at p. 3; IIA at p. 2; Ad Hoc at pp. 6-8; BTNA at pp. 4-5.

<sup>3</sup>See BTNA at p. 4.

<sup>4</sup>See Ad Hoc at pp. 3-5.

<sup>5</sup>See BTNA at p. 4.

<sup>6</sup>See ITAA at pp. 2-4.

number to access fire departments,<sup>7</sup> a separate N11 number for "quasi-emergency" situations,<sup>8</sup> or a separate N11 number for hearing impaired customers.<sup>9</sup> Further, the states' interest in the use of N11 codes to support local exchange service and emergency services would be impacted by the N11 proposal. The states have yet to be heard from, and the Commission should not act until it has fully considered their views.<sup>10</sup>

These significant "costs" of the N11 proposal far outweigh any potential benefits to the public interest. In fact, none of the commenters supporting the proposal were able to describe how the broad public interest would be served by the assignment of N11 codes to a few providers. For example, Cox Enterprises' (Cox) public interest argument is really nothing more than a "feasibility" argument. Cox states that there are no technical problems which prevent LECs from assigning N11 codes and routing N11 calls.<sup>11</sup> From this sole assertion, Cox mistakenly concludes that assignment would serve the public interest. Cox offers no analysis or logic to support this conclusion. Simply because it is possible to assign N11 codes does not mean that it is in the public interest to do so. Other comments filed in support of the Commission's proposal also fail to explain how the public would benefit from N11 code assignment.<sup>12</sup>

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<sup>7</sup>NYNEX at pp. 3-4.

<sup>8</sup>Pacific Bell and Nevada Bell at p. 3.

<sup>9</sup>Ameritech Operating Companies at p. 5.

<sup>10</sup>To echo the comments of ITAA, there is no need to rush this process. All providers and end users are currently able to receive telephone numbers. There is no shortage of numbers or other crisis which would prevent the Commission from giving this issue the time it needs for full development of the facts and full investigation of alternatives.

<sup>11</sup>Cox at p. 5.

<sup>12</sup>See, e.g., MCI, LO/AD Communications, Datatrex, PBS/The Print Group, Inc.

In brief, the comments vividly illustrate that any slight benefit which a few lucky providers may derive from using an N11 code is far outweighed by the negative impacts which such assignment would have on IPs, end users, interexchange carriers (ICs), LECs, and the public at large. The record simply cannot support a finding that the N11 proposal is in the public interest.

**III. THE COMMISSION SHOULD ENCOURAGE THE INVESTIGATION AND DEPLOYMENT OF ABBREVIATED DIALING PLANS SUCH AS "NXX#"**

This proceeding has focused industry attention on the apparent demand for abbreviated dialing schemes which can be implemented consistent with the NANP. N11 codes clearly cannot fulfill this role. Accordingly, the Companies are actively investigating the feasibility of abbreviated dialing schemes which will satisfy customer needs without creating the problems discussed above.

Initial investigations indicate that the most readily feasible abbreviated dialing plan, in the near term, is "NXX#". The Companies are conducting laboratory tests and are making vendor inquiries to determine whether various switch types can recognize and translate the "NXX#" dialed digits. Very preliminary data indicates that, on selected switches, "NXX#" can be translated into any seven or ten-digit number, depending upon the software release currently installed in the switch. Other technical issues are being investigated, as are operational impacts and costs.

The "NXX#" dialing scheme would provide approximately 790 codes in each local calling area. The Companies envision that "NXX#" numbers would be assigned locally, on a "first come, first serve" basis. A block of these numbers could potentially be reserved for common industry assignment of

"NXX#" numbers nationwide. This would be akin to 911 which is reserved for the same use on a nationwide basis, but is terminated locally.<sup>13</sup> The nationwide assignment of "NXX#" numbers would require industry agreement on a rational set of assignment guidelines.

The geographic areas in which these "NXX#" numbers would be available would depend on the capabilities of the various switches in the Companies' end offices. Initially, these numbers may not be available everywhere. These "NXX#" numbers would provide line-side access, as at least one commenter has requested.<sup>14</sup>

Of course, there are many marketing and policy issues surrounding the deployment of "NXX#" which would have to be resolved.<sup>15</sup> For instance, is there sufficient customer demand and willingness to pay to justify deployment of "NXX#" dialing? Should "NXX#" be used for pay-per-call services? If so, what protections should apply? Should "NXX#" be limited to local calls, or should users be able to have "long distance" calls on "NXX#"? The national issues can be addressed in industry forums, and should be so addressed on an expedited basis. If these issues are appropriately resolved, and if sufficient customer demand and willingness to pay exists, the Companies believe that they can offer "NXX#" dialing in approximately twelve to eighteen months.

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<sup>13</sup>This capability could allow the nationwide assignment of an "NXX#" number to a single customer, so that, for example, a large pizza chain could nationally advertise a single number, and route its calls to local restaurants.

<sup>14</sup>BNTA at pp. 2-3.

<sup>15</sup>These issues would also have to be resolved prior to deployment of N11 codes -- or any other abbreviated dialing plan codes -- to individual providers.

In short, abbreviated dialing plans such as "NXX#" are preferable to N11 because they avoid customer confusion, dialing disparities, interference with the NANP, the spectre of entanglement in endless administrative disputes,<sup>16</sup> and the certainty of vexatious litigation. The Commission should reject the current N11 proposal and should instead encourage a thorough investigation of dialing plan alternatives such as "NXX#".

**IV. IF THE COMMISSION ORDERS N11 CODE ASSIGNMENT, DESPITE THE STRONG OBJECTIONS OF THE INDUSTRY, IT MUST SPECIFY PROCEDURES FOR THE ALLOCATION, USE AND RECALL OF THOSE CODES**

In their initial comments, the Companies stressed that if the Commission mandates the assignment of N11 codes, the industry and the Commission would become embroiled in disputes over the allocation and recall of the codes.<sup>17</sup> The industry comments confirm the Companies' belief that, in the absence of Commission-mandated procedures, disappointed suitors would burden the Commission and the courts with needless litigation over N11 codes.

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<sup>16</sup>The Commission routinely weighs the administrative "costs" of its proposals in determining whether such proposals are in the public interest. For example, in *Reexamination of the Commission's Cross Interest Policy*, MM Docket No. 87-154, 4 F.C.C. Rcd 2208, 2212-13 (1989), the Commission found that in order to enforce its prohibition on ownership of multiple media outlets in the same area, it would be forced to engage in "time consuming" administrative review, the costs of which were "unjustifiably high," especially in light of the scant benefits derived by the policy. See also *Amendment of the Commission's Rules to Allow the Selection from Among Mutually Exclusive Competing Cellular Applications Using Random Selection or Lotteries Instead of Comparative Hearings*, CC Docket No. 83-1096, 98 F.C.C. 2d 175, 191-92 (1984).

<sup>17</sup>The Ameritech Operating Companies at pp. 14-19.

Several commenters have already staked out their position that LECs should not be permitted to decide how to allocate N11 codes,<sup>18</sup> that LECs should not be permitted to restrict use of N11 codes in any way,<sup>19</sup> and that N11 codes ought not to be subject to recall.<sup>20</sup> Cox, for instance, argues that only the Commission (and not the NANPA) can recall N11 codes.<sup>21</sup> Cox also argues that “already-existing Commission mechanisms” should be used to resolve any disputes related to recall of N11 codes.<sup>22</sup> Of course, under this scenario it could take several years to recover an N11 code which is critically needed for use as a new NPA, and in the meantime the interests of thousands (perhaps millions) of customers would be held hostage to the parochial self-interest of a single user.

In contrast, the Commission has tentatively concluded that LECs should decide how to allocate N11 codes,<sup>23</sup> and that N11 codes should be subject to recall.<sup>24</sup> Also, several LECs explain why some reasonable limitations on the use of N11 codes (*e.g.* blocking, preambles) are in the public interest.<sup>25</sup>

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<sup>18</sup>ITAA at p. 5; IIA at p. 3.

<sup>19</sup>Cox at pp. 21-24.

<sup>20</sup>IIA at pp. 3-4; Cox at pp. 25-32.

<sup>21</sup>Cox at pp. 25-29.

<sup>22</sup>Cox at p. 30.

<sup>23</sup>NPRM at ¶ 16.

<sup>24</sup>NPRM at ¶ 13.

<sup>25</sup>The Ameritech Operating Companies at pp. 18-19; US West at pp. 16-17.

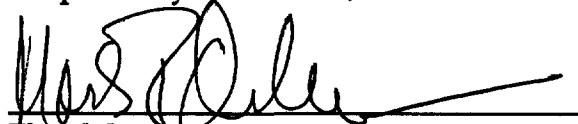
This fundamental conflict will inevitably spawn endless litigation before the Commission, the states, and the courts. To be sure, Commission-mandated rules for allocation, use and recall of N11 codes would not totally eliminate these disputes. However, it would allow the parties to litigate the validity of the rules once, and would prevent separate litigation of the procedures established by each of the 1400 LECs.

The Commission should reject its tentative conclusion to allow LECs to develop their own procedures to allocate and recall N11 codes. Instead, the Commission should specify procedures for the allocation, use and recall of those codes.

V. CONCLUSION

The Companies urge the Commission to find that N11 code assignment to individual providers is not in the public interest, and to reject the proposals set out in the NPRM. In place of N11 code assignment, the Commission should encourage LECs to explore other abbreviated dialing schemes, such as "NXX#".

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Floyd S. Keene", is written over a horizontal line.

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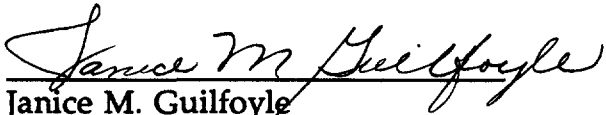
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Date: July 13, 1992



CERTIFICATE OF SERVICE

I, Janice M. Guilfoyle, do hereby certify that a copy of the foregoing pleading has been served on all parties by first class mail, postage prepaid, on this 13th day of July, 1992.

  
Janice M. Guilfoyle